



February 27, 2003

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## HOUSE BILL No. 1894

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DIGEST OF HB 1894 (Updated February 25, 2003 9:01 PM - DI 107)

**Citations Affected:** IC 33-19; IC 35-33.

**Synopsis:** Credit card processing fees as court costs. Permits a clerk to collect a credit card service fee from a person who uses a credit card to make a transaction with the clerk. Specifies that the credit card service fee is in addition to the amount of bail set by the trial court.

**Effective:** July 1, 2003.

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**Stevenson, Ayres**

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January 23, 2003, read first time and referred to Committee on Judiciary.  
February 26, 2003, amended, reported — Do Pass.

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HB 1894—LS 7408/DI 106+



February 27, 2003

First Regular Session 113th General Assembly (2003)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2002 Regular or Special Session of the General Assembly.

## HOUSE BILL No. 1894

A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 33-19-6.5 IS ADDED TO THE INDIANA CODE  
2 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2003]:

4 **Chapter 6.5. Credit Card Service Fee**

5 **Sec. 1. This chapter applies to any transaction in which:**

6 **(1) the clerk is required to collect money from a person,**  
7 **including:**

8 **(A) bail;**

9 **(B) a fine;**

10 **(C) a civil penalty;**

11 **(D) a court fee or court cost; or**

12 **(E) a fee for the preparation, duplication, or transmission**  
13 **of a document; and**

14 **(2) the person pays the clerk by means of a credit card, debit**  
15 **card, charge card, or similar method.**

16 **Sec. 2. A payment made under this chapter does not finally**  
17 **discharge the person's liability and the person has not paid the**

HB 1894—LS 7408/DI 106+



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1 liability until the clerk receives payment or credit from the  
2 institution responsible for making the payment or credit. The clerk  
3 may contract with a bank or credit card vendor for acceptance of  
4 bank or credit cards. However, if there is a vendor transaction  
5 charge or discount fee, whether billed to the clerk or charged  
6 directly to the clerk's account, the clerk may collect a fee from the  
7 person using the bank or credit card. The fee is a permitted  
8 additional charge to the money the clerk is required to collect  
9 under section 1(1) of this chapter.

10 **Sec. 3.** The clerk shall forward credit card service fees collected  
11 under this chapter to the county auditor or city or town fiscal  
12 officer in accordance with IC 33-19-1-3(a). These funds may be  
13 used without appropriation to pay the transaction charge or  
14 discount fee charged by the bank or credit card vendor.

15 SECTION 2. IC 35-33-8-9 IS ADDED TO THE INDIANA CODE  
16 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
17 1, 2003]: **Sec. 9.** In addition to any other condition of bail imposed  
18 under this chapter, a defendant who posts bail by means of a credit  
19 card shall pay the credit card service fee under IC 33-19-6.5.

20 SECTION 3. IC 35-33-9-7 IS ADDED TO THE INDIANA CODE  
21 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
22 1, 2003]: **Sec. 7.** In addition to any other condition of bail imposed  
23 under this chapter, a defendant who posts bail by means of a credit  
24 card shall pay the credit card service fee under IC 33-19-6.5.

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## COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred House Bill 1894, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, delete lines 16 through 17, begin a new paragraph and insert:

**"Sec. 2. A payment made under this chapter does not finally discharge the person's liability and the person has not paid the liability until the clerk receives payment or credit from the institution responsible for making the payment or credit. The clerk may contract with a bank or credit card vendor for acceptance of bank or credit cards. However, if there is a vendor transaction charge or discount fee, whether billed to the clerk or charged directly to the clerk's account, the clerk may collect a fee from the person using the bank or credit card. The fee is a permitted additional charge to the money the clerk is required to collect under section 1(1) of this chapter."**

Page 2, delete lines 1 through 6.

and when so amended that said bill do pass.

(Reference is to HB 1894 as introduced.)

LAWSON L, Chair

Committee Vote: yeas 12, nays 0.

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